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# ARNOLD & PORTER LLP

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202.942.5000  
202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206



November 8, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 10/740,694  
Title: Method and Compositions for Identifying Anti-HIV  
Therapeutic Compounds  
Applicants: Murty N. ARIMILLI *et al.*  
Atty. Docket: 18477.031

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

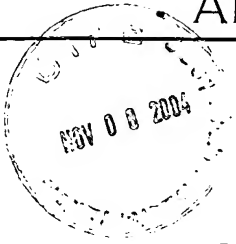
1. a Request for Corrected Filing Receipt;
2. a copy of the Filing Receipt with corrections indicated in red ink;
3. a copy of the Combined Declaration and Power of Attorney for Patent Application showing the signature of Richard L. Mackman;
4. a copy of a stamped-postcard receipt dated September 30, 2004; and
5. Return postcard.

Please stamp the postcard with the filing date of these documents and return it to our courier.

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ARNOLD & PORTER LLP

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Commissioner for Patents  
November 8, 2004  
Page 2

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe that any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 18477.031. A duplicate copy of this letter is attached.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lisa A. Adelson". The signature is fluid and elegant, with a large initial "L".

David R. Marsh (Reg. No. 41,408)  
Lisa A. Adelson\* (Reg. Agent No. 51,204)

*\*Not admitted to the practice of law. Admitted to practice before the U.S. Patent & Trademark Office only.*

Attachments



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Murty N. ARIMILLI *et al.*

Art Unit: 1614

Appln. No.: 10/740,694

Examiner: To Be Assigned

Filed: December 22, 2003

Atty. Docket: 18477.031

Title: Method and Compositions for Identifying  
Anti-HIV Therapeutic Compounds

Confirm. No.: 1095

**REQUEST FOR CORRECTED FILING RECEIPT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of a filing receipt issued by the United States Patent and Trademark Office (USPTO) and mailed on October 14, 2004, for which issuance of a corrected filing receipt is respectfully requested.

**Please correct the spelling of the name of the inventor Richard L. Mackman, as follows:**

**From: Richard L. MacKman**

**To: Richard L. Mackman**

Murty N. ARIMILLI *et al.*  
Appln. No. 10/740,694

In support of this correction, attached is a copy of a Combined Declaration and Power of Attorney for Patent Application executed by Richard L. Mackman and a copy of a postcard receipt date-stamped by the USPTO upon filing of the Declaration.

Applicants do not believe that any fees are due in conjunction with this filing. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. If any fees are required in the present application, including any fees for extensions of time, then in the transmittal letter accompanying this Request, the Commissioner is authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 18477.031.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa A. Adelson". The signature is fluid and cursive, with the first name "Lisa" and last name "Adelson" clearly distinguishable.

David R. Marsh (Reg. Attorney No. 41,408)  
Lisa A. Adelson\* (Reg. Agent No. 51,204)

*\*Not admitted to the practice of law. Admitted to practice before the U.S. Patent & Trademark Office only.*

Date: November 8, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/740,694	12/22/2003	1614	3952	18477.031 / 259.PC2		180	5

28381

ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON, DC 20004-1206

CONFIRMATION NO. 1095

UPDATED FILING RECEIPT



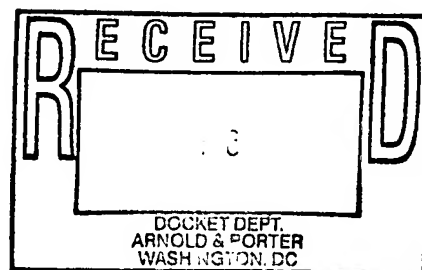
\*OC000000014090942\*

Date Mailed: 10/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Murty N. Arimilli, Oakridge, NC;  
Mark M. Becker, Redwood City, CA;  
Gabriel Birkus, Foster City, CA;  
Clifford Bryant, Millbrae, CA;  
James M. Chen, San Ramon, CA;  
Xiaowu Chen, San Mateo, CA;  
Tomas Cihlar, Foster City, CA;  
Azar Dastgah, San Mateo, CA;  
Eugene J. Eisenberg, San Carlos, CA;  
Maria Fardis, San Carlos, CA;  
Marcos Hatada, Fremont, CA;  
Gong-Xin He, Fremont, CA;  
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William A. Lee, Los Altos, CA;  
Christopher P. Lee, San Francisco, CA;  
Kuei-Ying Lin, Fremont, CA;  
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Martin J. McDermott, Redwood City, CA;  
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Mark Sparacino, Morgan Hill, CA;  
Sundaramoorthi Swaminathan, Burlingame, CA;  
James D. Tario, San Mateo, CA;



Jianying Wang, Foster City, CA;  
Matthew A. Williams, San Mateo, CA;  
Lianhong Xu, San Mateo, CA;  
Zheng-Yu Yang, Foster City, CA;  
Richard H. Yu, San Francisco, CA;  
Jiancun Zhang, Oakland, CA;  
Lijun Zhang, Palo Alto, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 000047066.

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/424,186 04/25/2003  
which claims benefit of 60/375,622 04/26/2002  
and claims benefit of 60/375,779 04/26/2002  
and claims benefit of 60/375,834 04/26/2002  
and claims benefit of 60/375,665 04/26/2002  
This application 10/740,694  
is a CIP of 10/423,496 04/25/2003  
which claims benefit of 60/375,622 04/26/2002  
and claims benefit of 60/375,779 04/26/2002  
and claims benefit of 60/375,834 04/26/2002  
and claims benefit of 60/375,665 04/26/2002  
This application 10/740,694  
is a CIP of 10/424,130 04/25/2003  
which claims benefit of 60/375,622 04/26/2002  
and claims benefit of 60/375,779 04/26/2002  
and claims benefit of 60/375,834 04/26/2002  
and claims benefit of 60/375,665 04/26/2002  
This application 10/740,694  
is a CIP of PCT/US03/12901 04/25/2003  
and is a CIP of PCT/US03/12926 04/25/2003  
and is a CIP of PCT/US03/12943 04/25/2003  
and claims benefit of 60/465,810 04/25/2003  
and claims benefit of 60/465,721 04/25/2003  
and claims benefit of 60/465,824 04/25/2003

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 10/13/2004

**The number of your priority application, to be used for filing abroad under the Paris Convention is,**  
**US10/740,694**

**Projected Publication Date:** 01/20/2005

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Method and compositions for identifying anti-HIV therapeutic compounds

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Atty Docket No: 18477.031 / 259.PC2  
Date: September 30, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Murty N. ARIMILLI *et al.*  
Appln. No.: 10/740,694  
Filing Date: December 22, 2003  
Title: Method and Compositions for Identifying Anti-HIV Therapeutic Compounds

Art Unit: 1614  
Examiner: To Be Assigned  
Confirmation No.: 1095

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please place the U.S. Patent & Trademark Office receipt stamp hereon to acknowledge receipt of the following:

(1.) a Transmittal Letter (in duplicate); (2.) a Petition for Extension of Time Under 37 C.F.R. § 1.136 (four months); (3.) a Response to Notice to File Missing Parts of Nonprovisional Application; (4.) a Copy of the Notice to File Missing Parts of Nonprovisional Application mailed March 30, 2004; (5.) an Original Combined Declaration and Power of Attorney for Utility Patent Application, executed by Mark M. BECKER, Gabriel BIRKUS, James M. CHEN, Xiaowu CHEN, Tomas CIHLAR, Azar DASTGAH, Eugene J. EISENBERG, Maria FARDIS, Marcos HATADA, Gong-Xin HE, Haolun JIN, Choung U. KIM, William A. LEE, Christopher P. LEE, Kuei-Ying LIN, Hongtao LIU, Richard L. MACKMAN, Martin J. McDERMOTT, Michael L. MITCHELL, Hyung-Jung PYUN, Tanisha D. ROWE, Mark SPARACINO, Sundaramoorthi SWAMINATHAN, James D. TARJO, Jianying WANG, Matthew A. WILLIAMS, Lianhong XU, Zheng-Yu YANG, Richard H. YU, and Lijun ZHANG (6 pages); (6.) an Original Combined Declaration and Power of Attorney for Utility Patent Application, executed by Murty N. ARIMILLI (6 pages); (7.) an Original Combined Declaration and Power of Attorney for Utility Patent Application, executed by Clifford BRYANT (6 pages); (8.) an Original Combined Declaration and Power of Attorney for Utility Patent Application, executed by Peter H. NELSON (6 pages); (9.) an Original Combined Declaration and Power of Attorney for Utility Patent Application, executed by Jiancun ZHANG (6 pages); and (10.) a return postcard.

Return postcard to: Milan M. Vinnola / pjm (980M)



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

Docket No. 259.PC2

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)  
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE  
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE  
INVENTION

Entitled: **Method and Compositions for Identifying Anti-HIV Therapeutic  
Compounds**

the specification of which:

(check one) \_\_\_\_\_ is attached hereto:

X was filed on December 22, 2003 as

Application Serial No. 10/740,694

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED  
SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED  
TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information  
which is material to the patentability of the claims of this application in accordance with Title 37,  
Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

**COMBINED DECLARATION AND  
POWER OF ATTORNEY**

**Docket No. 259.PC2**

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

<u>60/375,622</u>	filed	<u>April 26, 2002</u>
<u>60/375,779</u>	filed	<u>April 26, 2002</u>
<u>60/375,834</u>	filed	<u>April 26, 2002</u>
<u>60/375,665</u>	filed	<u>April 26, 2002</u>
<u>60/465,810</u>	filed	<u>April 25, 2003</u>
<u>60/465,721</u>	filed	<u>April 25, 2003</u>
<u>60/465,824</u>	filed	<u>April 25, 2003</u>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected herewith:

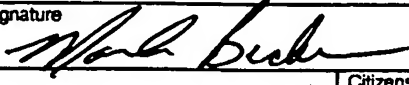
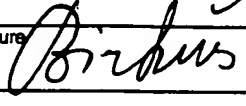
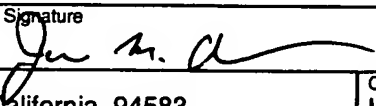
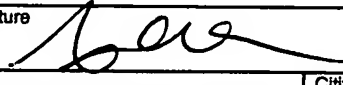
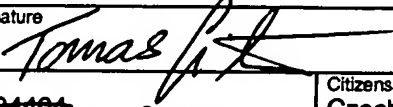
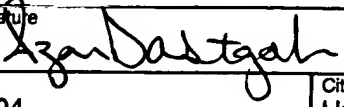

Customer Number **000047066**

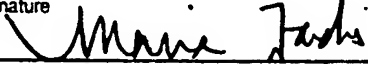

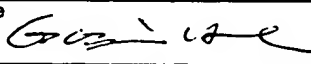
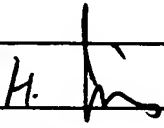
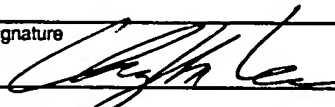
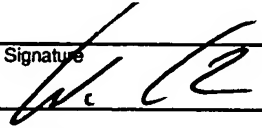
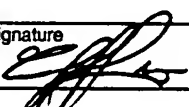
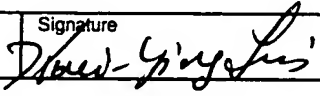
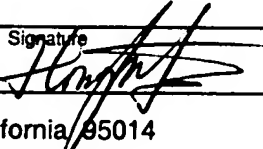
and: \_\_\_\_\_


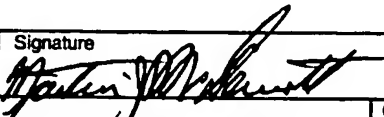

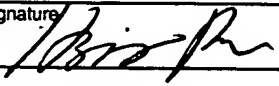
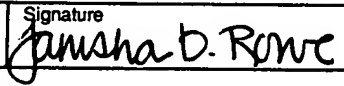
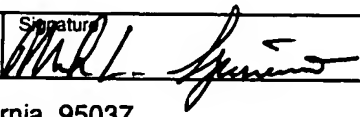
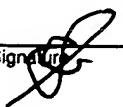
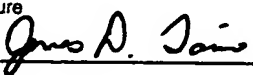
Address all correspondence to: **ARNOLD & PORTER LLP**  
555 Twelfth Street, NW  
IP Docketing Department  
Washington, DC 20004

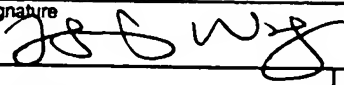
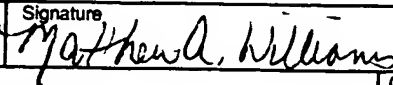
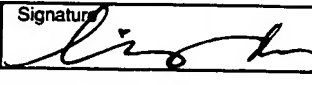

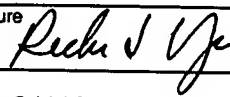

Address all telephone calls to: \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor Murty N. Arimilli	Signature	Date
Residence 701 Number Ten Way, Oakridge, North Carolina 27310	Citizenship United States of America	
Post Office Address same as above		
Full Name of Inventor Mark M. Becker	Signature 	Date 09/16/04
Residence 215 Old County Road, #308, Belmont, California 94002 <del>359 Montserrat Dr. Redwood City, CA 94065</del> <sup>NB</sup>	Citizenship United States of America	
Post Office Address same as above		
Full Name of Inventor Gabriel Birkus	Signature 	Date 09/14/04
Residence 1266 Stanyan Street, #4, San Francisco, California 94117 <del>737 Catamaran St #4, Foster City, CA 94404</del>	Citizenship Slovak Republic	
Post Office Address same as above		
Full Name of Inventor Clifford Bryant	Signature	Date
Residence 506 Richmond Drive, #4, Millbrae, California 94030	Citizenship United States of America	
Post Office Address same as above		
Full Name of Inventor James M. Chen	Signature 	Date 9/16/04
Residence 4015 Marblehead Drive, San Ramon, California 94583	Citizenship United States of America	
Post Office Address same as above		
Full Name of Inventor Xiaowu Chen	Signature 	Date 9/14/04
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